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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,540	03/19/2001	Richter A. Rafey	50N3769	2564

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Intellectual Property Department  
Sony Electronics Inc.  
123 Tice Boulevard - MD T1-1  
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EXAMINER
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SHANNON, MICHAEL R

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/812,540

Applicant(s)

RAFEY ET AL.

Examiner

Michael R Shannon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Levitan US patent 5,534,911, cited by examiner.

Regarding claim 1, the claimed method of outputting a television program to a viewer is met as follows:

- The claimed step of receiving a highlight content segment, wherein the highlight content segment includes information associated with a particular subject is met by the discussion of the delivery of television programming content from the cable TV head-end [col. 1, lines 6-17].
- The claimed step of receiving a detail content segment, wherein the detail content segment includes additional information associated with the particular subject is again, met by the discussion of the delivery of television programming content from the cable TV head-end [col. 1, lines 6-17].
- The claimed step of storing in a memory the highlight and detail content segments is met by the VCR and its ability to record content segments that are selectable by the user and/or the computer [col. 1, lines 56-63].

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- The claimed step of generating an output script that is associated with the highlight and detail content segments is met by the control interface 36 [Fig. 2], which utilizes customer input and channel selections in order to generate a script to output a virtual personal channel [col. 2, lines 15-20].
- The claimed step of accessing and outputting the highlight content segment in accordance with the script is met by the personal channel options discussed in column 3, lines 60-65, which is used to display the personal channel using the best programs selected from a plurality of currently transmitted and previously recorded programs.
- The claimed step of receiving during the output of the highlight content segment a command to output additional information associated with the particular subject is met by the discussion of Customer input to the system being used to display more information about a given program [col. 3, lines 36-59].
- The claimed step of accessing and outputting the detail content segment in response to the command is met by the multimedia output discussed in column 3, lines 36-59, which is accessed through the computer and output to the viewer upon selection of the program and interaction with the input device.

Regarding claim 2, the claimed step of displaying to the viewer a menu that alerts the viewer that the command can be received is met by the menu in figure 4, which gives the user the option to get more information on their personal channel programs.

Regarding claim 3, the claimed ability for the script to sequence the highlight segment for output prior to the detail segment is met by the discussion of the preview presentation in column 3, lines 53-59, which serves to highlight the overall personal channel and allow the user to get details later.

Regarding claim 4, the further claimed steps are met as follows:

- The claimed step of receiving during the output of the detail content segment a second command to skip to a subsequent content segment associated with the output script is met by the ability for the user to fast forward to a different pre-recorded segment using the control interface [col. 3, lines 26-29].
- The claimed step of accessing and outputting the subsequent content segment in response to the second command is met by the VCR's inherent ability to therefore output the next (after fast forwarding) segment present on the tape [col. 3, lines 26-29].

Regarding claim 5, the claimed content being one of a video segment, a music segment, a still drawing, a chart, and a web page is met by the delivery of video segments to the system [col. 1, lines 6-17].

Regarding claim 6, the claimed step of receiving a payment for outputting the television program is met by the discussion of the systems use in a pay-per-view or video on demand system, both of which can be used to collect payments for television program output [col. 1, lines 30-34].

Regarding claim 7, the claimed method of presenting a television program to a viewer is met as follows:

- The claimed step of storing in a memory a viewer preference, wherein the preference identifies a subject of particular interest to a viewer is met by the discussion of the customer profile data [col. 1, lines 20-25], which serves to store information about viewer preferences and to identify interesting programs.
- The claimed step of receiving and storing in the memory a plurality of content segments and a plurality of metadata tags, wherein for each unique one of the content segments a unique one of the metadata tags is associated, and wherein each metadata tag includes at least one attribute that identifies a subject of the associated content segment is met by the storing of data related to scheduled TV programs in the computer memory [col. 1, lines 19-25] and the associated related television programs on the VCR [col. 1, lines 55-63].
- The claimed step of identifying the metadata tags that include attributes corresponding to the preference is met by the discussion of the data related to scheduled TV programs being compared to information in the customer profile to establish if the segment should be stored on the VCR or not [col. 1, lines 18-25].
- The claimed step of using the identified metadata tags to generate an output program script is met by the ability for the control interface 36 to

interact with the data stored at the computer 28 and the segments stored on the VCR 24, in order to create a virtual personal channel [col. 2, lines 15-20].

- The claimed step of accessing selected stored video segments in accordance with the output script is met by the decision to access and display the currently transmitted and previously recorded programs according to the personal channel option [col. 3, lines 60-63].
- The claimed sep of displaying the accessed content segments is, again, met by the decision to access and display the currently transmitted and previously recorded programs according to the personal channel option [col. 3, lines 60-63].

Regarding claim 8, the claimed attribute being one of a time, a date, a title, a director, and an event is met by the data representing the customer interests and preferences and/or time-channel data [col. 1, lines 18-25].

Regarding claim 9, the claimed received content segments being part of at least one television program is met by the discussion of the cable broadcast system, which transmits multiple programs to the receiver, which are segmented and selectively downloaded [col. 1, lines 6-17].

Regarding claim 10, the claimed received and stored content segments being accumulated over a period of time is met by the ability for the VCR to record segments even when the user is not present for a given amount of time [col. 1, lines 56-63].

Regarding claim 11, the claimed content segments being one of the following: a video portion, an audio portion, a still drawing, a chart, and a web page is met by the delivery of video segments to the system [col. 1, lines 6-17].

Regarding claim 12, the claimed steps of receiving and storing in the plurality of content segments and a plurality of metadata tags occurs in a secondary memory device is met by the storage of the content segments in the secondary memory device (the VCR) and the storage of the data relating to the TV programs in the computer memory.

Regarding claim 13, the claimed method of outputting selected portions of a television program to a viewer is met as follows:

- The claimed step of receiving at least a portion of a television program that includes a plurality of video segments, wherein each of a selected number of the video segments is associated with a unique highlight of the program is met by the discussion of the delivery of television programs [col. 1, lines 6-17] and the discussion of a preview program, which serves to highlight the current virtual personal channel and combine the highlights into a preview presentation [col. 3, lines 52-59].
- The claimed step of storing the selected number of video segments is met by the VCR's ability to store programs and program segments according to selection by the computer according to personal preferences [col. 1, lines 56-63].



- The claimed step of receiving metadata tags, wherein for each unique one of the selected video segments a unique one of the metadata tags is associated, and wherein each metadata tag includes an attribute that identifies a subject of the associated video segment as a highlight of the program is met by the storing of data related to scheduled TV programs in the computer memory [col. 1, lines 19-25] and the associated related television programs on the VCR [col. 1, lines 55-63].
- The claimed step of storing data associated with the metadata tags is met by the storage of the data related to scheduled TV programs in the computer memory [col. 1, lines 19-25].
- The claimed step of using the stored data to generate an output program script for outputting the selected number of video segments to the viewer is met by the control interface 36, in conjunction with the computer 28 and the VCR 24, which serve to create a virtual personal channel and output that virtual personal channel to the viewer [col. 2, lines 15-20].
- The claimed step of accessing the selected number of video segments in accordance with the script is met by the decision to access and display the currently transmitted and previously recorded programs according to the personal channel option [col. 3, lines 60-63].
- The claimed step of outputting the accessed video segments to the viewer is, again, met by the decision to access and display the currently

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transmitted and previously recorded programs according to the personal channel option [col. 3, lines 60-63].

Regarding claim 14, the claimed metadata tags being periodically received during reception of the program is met by the discussion of the data being downloaded prior to the programs being broadcast on the cable TV system [col. 1, lines 6-17]. The fact that the metadata information is downloaded during reception of the television program segments is not a patentable distinction over accomplishing the same task prior to broadcast.

Regarding claim 15, the claimed metadata tags being received after reception of the program is met by the discussion of the data being downloaded prior to the programs being broadcast on the cable TV system [col. 1, lines 6-17]. The fact that the metadata information is downloaded after reception of the television program segments is not a patentable distinction over accomplishing the same task prior to broadcast.

Regarding claim 16, the claimed metadata tags being received before reception of the program is met by the discussion of the data being downloaded prior to the programs being broadcast on the cable TV system [col. 1, lines 6-17].

Regarding claim 17, the claimed steps of receiving a command from the viewer to output highlights of the television program, and the accessing and outputting of the selected number of video segments occurs in response to the received command is met by the ability for the user to actuate the customer input device 38, in order to view a preview presentation, which combines the highlights of the programs for display to the user. The preview presentation, as discussed in column 3, lines 52-59, is meant to

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provide the user with a preview of the available program segments in the virtual personal channel.

Regarding claim 18, the claimed command being received during broadcast of the program, and the selected number of video segments that are output are associated with only a portion of the program already broadcast is met by the ability for the system to display only pre-recorded segments and/or currently transmitted programs to the viewer in response to selection of the personal channel option [col. 3, lines 60-65].

Regarding claim 19, the claimed method of storing video information is met as follows:

- The claimed step of storing in a memory a viewer preference, wherein the preference identifies a subject of particular interest to a viewer is met by the discussion of the customer profile, which is used to establish programs of particular interest to the user [col. 1, lines 23-25].
- The claimed step of receiving a content segment of a program that includes a plurality of segments, and receiving a metadata tag associated with the content segment, wherein the metadata tag includes an attribute associated with a subject matter of the content segment is met by the reception of television programs containing multiple segments from the cable head-end [col. 1, lines 6-17], and the discussion of the reception of data related to the scheduled TV programs, which links the TV programs and segments to the metadata information [col. 1, lines 17-25].

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- The claimed step of comparing the attribute and the preference is met by the discussion of the data related to scheduled TV programs being compared to information in the customer profile to establish if the segment should be stored on the VCR or not [col. 1, lines 18-25].
- The claimed step of storing in a second memory the content segment if the attribute corresponds to the preference is met by the content segment being stored in the VCR if the customer profile matches the downloaded data related to the scheduled TV programs (metadata) [col. 1, lines 18-25].

Regarding claim 20, the claimed video output system is met as follows (refer to Figure 2):

- The claimed receiving unit is met by channel selector 32, which receives content over the TV Network.
- The claimed content manager coupled to the receiving unit is met by the computer 28 and the control interface 36, which together organize and link metadata and the stored content segments in the VCR.
- The claimed video cache memory coupled to the content manager, wherein the cache memory includes a content memory portion and a metadata memory portion is met by the VCR 24 and the Computer Memory, both of which serve as cache's for the content segments and the metadata.

- The claimed show flow engine coupled to the cache memory is met by the control interface 36, which serves the same purpose as the show flow engine, namely, to create scripts and output for the pre-recorded and/or currently transmitted program segments according to the metadata previously stored in the computer.
- The claimed rendering engine coupled to the show flow engine is met by the video interface 34 and video receiver 22, which serve to render the video stored on the VCR 24 and computer 28 to the viewer.

Regarding claim 21, the claimed sensor/decoder unit coupled to the rendering engine, wherein the sensor/decoder unit receives coded signals from a transmitter activated by a viewer is met by the Manual Remote Control 38 and Customer Input Interface 40, both of which serve to receive coded signals from the remote control for interaction with the system [Fig. 2].

Regarding claim 22, the claimed viewer preference memory coupled to the content manager and to the show flow engine is met by the customer profile data stored in the computer memory [col. 1, lines 23-25].

Regarding claim 23, the claimed gateway to a communications system coupled to the content manager is met by the Modem 30, which serves as a link between the TV Network and the system.

Regarding claim 25, the claimed receiving unit and the cache memory being parts of an audio-video tuner/disk combination is met by the Channel Selector 32 (which

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is the A/V tuner) and the computer 28, containing a hard disk and memory for storage of the user profiles.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levitan US patent 5,534,911, cited by examiner, in view of Herz et al US patent 5,758,257, cited by examiner.

Levitan teaches all of that which is discussed above with regards to claim 20. Levitan does not, however, expressly disclose that the information is received over the Internet. Herz et al disclose a system that can use the Internet to perform data retrieval. Column 50, line 65 – column 51, line 7, clearly state that the Internet is used to retrieve multimedia content. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the Internet as the content receiving means, in order to allow a more universal way to receive data and a more general connection to a data source such as the Internet.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cragun et al, US patent 5,481,296, disclose a system for selectively viewing video information using closed captioning text.

Wachob, US patent 5,231,494, discloses a system for the selection of television signals from signal channel allocation based on viewer characteristics.

Hashimoto, US patent 4,745,549, discloses an apparatus for scheduling TV programming to maximize satisfaction.

Strubbe, US patent 5,223,924, discloses a system for correlating user preferences with TV programs and an information database.

Hunt, US patent 6,084,581, discloses a system for creating customizes videos.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R Shannon whose telephone number is 703-305-6955. The examiner can normally be reached on M-F 7:30-5:00, alternate Friday's off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael R Shannon  
Examiner  
Art Unit 2614

Michael R Shannon  
December 1, 2004



JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
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